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5 Attorneys for Plaintiffs LES JANKEY
 and DISABILITY RIGHTS ENFORCEMENT,
 6 EDUCATION SERVICES

7 UNITED STATES DISTRICT COURT
 8
 9 NORTHERN DISTRICT OF CALIFORNIA

10 LES JANKEY, an individual; and)
 DISABILITY RIGHTS, ENFORCEMENT,)
 11 EDUCATION, SERVICES: HELPING)
 YOU HELP OTHERS, a California public)
 12 benefit corporation,)

13 Plaintiffs,)

14 v.)

15 JAMES LEE TRUSTEE of the PAULA)
 LEE MARITAL TRUST (a.k.a))
 16 MORNING FIX CAFE,)

17 Defendant.)
 18 _____)

CASE NO. CV-09-0761-BZ

**STIPULATION OF DISMISSAL AND
 [PROPOSED] ORDER THEREON**

19 The parties, by and through their respective counsel, stipulate to dismissal of this action
 20 in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the
 21 Settlement Agreement and General Release (“Agreement”) herein, each party is to bear its own
 22 costs and attorneys’ fees. The parties further consent to and request that the Court retain
 23 jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511
 24 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of
 25 settlement agreements).

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1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through
2 their designated counsel that the above-captioned action be and hereby is dismissed with
3 prejudice pursuant to Federal Rules of Civil Procedure Rule 41(a)(1).

4 Respectfully submitted,

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6 Dated: July 23, 2009

THOMAS E. FRANKOVICH,
A PROFESSIONAL LAW CORPORATION

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8 By: /S/
Thomas E. Frankovich
9 Attorneys for Plaintiffs LES JANKEY and
10 DISABILITY RIGHTS ENFORCEMENT,
EDUCATION SERVICES

11
12 Dated: July 23, 2009


SUSAN PARKINSON,
LAW OFFICES OF SUSAN PARKINSON

13
14 By: /S/
Susan Parkinson
15 Attorneys for Defendant JAMES LEE TRUSTEE of
16 the PAULA LEE MARITAL TRUST (a.k.a)
17 MORNING FIX CAFE
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19 **ORDER**

20 **IT IS HEREBY ORDERED** that this matter is dismissed with prejudice pursuant to
21 Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for
22 the purpose of enforcing the parties' Settlement Agreement and General Release should such
23 enforcement be necessary.
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25 Dated: July 27, 2009

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HONORABLE BERNARD ZIMMERMAN
27 United States Magistrate Judge of California
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